

REMARKS

I. Introduction.

Claims 1-6 are pending. Claims 4-6 were withdrawn from consideration by the Examiner. Claims 1-3 were rejected under 35 U.S.C. Section 103(a). Claims 7-11 have been added.

II. The Restriction Requirement.

The Office Action imposes a restriction requirement between Claims 1-3 (Group I); Claims 4-5 (Group II); and Claim 6 (Group III).

Applicant hereby affirms his election to prosecute the invention of Group I, Claims 1-3.

III. The 35 U.S.C. Section 103(a) Rejection.

Claims 1-3 were rejected under 35 U.S.C. Section 103(a) as being unpatentable over U.S. Patent 5,704,065 issued to Feuerhake in view of U.S. Patent 5,373,712 issued to Yamamoto, et al.

The Office Action states that Feuerhake discloses a sports glove having a fastener comprised of hooks and loops. The Office Action acknowledges, however, that Feuerhake does not disclose that the fastener is breathable. The Office Action further states that Yamamoto, et al. teaches an air permeable fastener comprised of pile loops and hooks, and that this fastener is equivalent to the fastener of Feuerhake with regard to its securing capability with the added benefit of being air permeable. The Office Action concludes that it would have been obvious to one of ordinary skill in the art to replace the hook and loop fastener of Feuerhake with the air permeable fastener taught by Yamamoto, et al. since the function of securing is equivalent with the added benefit of air permeability to allow air flow to reach the user's hand when the glove is worn.

The Applicant respectfully requests that this rejection be reconsidered and withdrawn. The Feuerhake reference does disclose a golf glove having a fastener comprised of hook and loops. However, as set out in the Feuerhake reference, both the patch of VELCRO® hooks and the patch of VELCRO® loops are fastened to another material. More specifically, the Feuerhake reference states in Col. 3, lines 62-65, that:

On the thumb side 50 of the split 48 a patch of Velcro hooks 52 is sewn to the back side 26 of the glove. Extending from the pinky side 54 of the split 48 a flange 55 having a patch of Velcro loops 56 is sewn.

Therefore, in the Feuerhake reference, both the patch of VELCRO® hooks and the patch of VELCRO® loops are fastened to the underlying material of the glove. Generally, the body of a golf glove is made of leather. Therefore, replacing the hook and loop fastener of Feuerhake with the air permeable fastener taught by Yamamoto, et al. as suggested in the Office Action would not necessarily result in a breathable fastening system if the underlying material (e.g., leather) to which it is attached is not also breathable, or if any pores in the underlying material do not align with the vents in the surface fastener described in the Yamamoto, et al. reference. The combination proposed by the Office Action would, therefore, not necessarily result in the invention described in Claims 1-3, and the combination of references does not teach or disclose how one would arrive at the claimed invention. Moreover, the Examiner has not cited any basis for his statements that the fastener of Yamamoto, et al. is equivalent to the fastener of Feuerhake with regard to its securing capability and function. Thus, no motivation has been shown why a person of ordinary skill would replace the fastener of Feuerhake with the fastener of Yamamoto, et al. The invention described in Claims 1-3 would, therefore, not have been obvious to a person of ordinary skill in the art in view of the cited combination of references. Accordingly, reconsideration and withdrawal of this rejection is requested.

IV. The Information Disclosure Statements.

The Applicant filed Information Disclosure Statements in the present application on January 12, 2004, April 30, 2004, and June 29, 2004. A copy of a print out from the public PAIR system showing that these Information Disclosure Statements were received by the Patent Office is attached hereto as Exhibit "A". The Applicant respectfully requests that the Examiner consider the references cited on these Information Disclosure Statements, and indicate that these references have been considered in the next Office Action.

V. Summary.

The rejections have been addressed. In view of the foregoing, a Notice of Allowance is respectfully requested.

Respectfully submitted,

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November 4, 2004

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Sports glove

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